

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-11608-DPW

COALITION TO PROTEST THE DEMOCRATIC NATIONAL
CONVENTION ET AL,

Plaintiffs

v.

THE CITY OF BOSTON, RICHARD LORING, ANDREA
D'AMATO, PATRICIA MALONE,

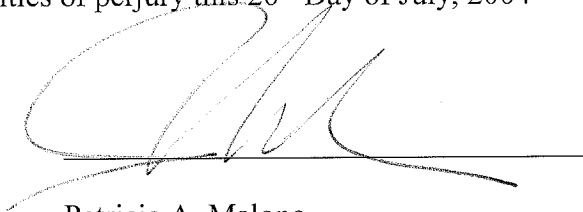
Defendants

AFFIDAVIT OF PATRICIA A. MALONE

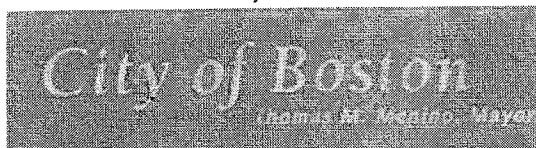
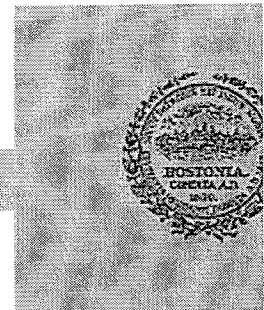
1. I am currently the Director of the Mayor's Office of Consumer Affairs and Licensing and have been such for the past four years.
2. I am the coordinator for the issuance of permits for marches, parades, demonstrations, rallies, festivals and any and all licensed premises for the week of July 24-August 1, 2004, which includes the Democratic National Convention event ("DNC Week").
3. The guidelines for the issuance of parade permits (see attached exhibit A) are content-neutral.
4. Three groups have sought a parade permit for Causeway Street during DNC Week.
5. They have all been denied with alternative routes given to them.
6. Causeway Street is open to any and all pedestrians but is not open to permitted marches or rallies.

7. On Sunday night, July 25, 2004 there are approximately 80 events happening in the City of Boston in conjunction with the Democratic National Convention. There are 37 rallies and demonstrations; 3 parades; 6 media-related events; 29 welcoming parties and 4 other events (such as the Pops on City Hall Plaza and the North End festivals). A list of these events is attached as Exhibit B.

Signed under the pains and penalties of perjury this 20th Day of July, 2004

A handwritten signature in black ink, appearing to read 'Patricia A. Malone', is written over a horizontal line.

Patricia A. Malone
Director of the Mayor's Office of Consumer Affairs
and Licensing

[mayor](#) [city council](#) [calendar](#) [e-services](#) [contact](#)[residents](#)[businesses](#)[visitors](#)

Guidelines for any Person or Group Wishing to Stage an Event

For the Week of July 24 - August 1, 2004

[Contact Us](#)[Permitting Information
July 24 - August 1,](#)

In order to implement an efficient process for the permitting of public events during the week of the Democratic National Convention, the City of Boston is instituting a permitting process for the above dates that is described below.

What Events are Covered?

This application applies to any public event planned for July 24 – August 1, 2004 that is open to the public and held on private or public property, including parades and demonstrations; this also includes licensed venues that are seeking to alter the scope of their current license. Limited exceptions are described below.

What Form Must Be Completed to Start the Process?

Any applicant seeking to stage an event during this period must begin the process by completing the *"Event Application for the Week of July 24 - August 1, 2004."*

Where Can the *Event Application for the Week of July 24 - August 1, 2004* be Obtained?

This application can be obtained by downloading it here in PDF format or by picking it up in person at the office of Consumer Affairs and Licensing, Rm. 817, Boston City Hall, Boston MA, located on the 8th Floor.

- [Download the *Event Application*, PDF](#)
- [Download the *Guidelines*, PDF](#)

Note: To view and print in PDF format, you must download and install the [Adobe Acrobat Reader](#) utility.

Where Should the Completed Application Be Submitted?

The Office of Consumer Affairs and Licensing
Boston City Hall, Rm. 817
Boston, MA 02201

When is the Deadline for Submitting Applications?

Applications must be submitted at least 14 days before the proposed event. The applicant will be mailed a written response to their

application within 7 days of receipt of a completed application.

What fees are required for filing applications?

Only entertainment type events (i.e., musical events, magic shows, theatrical performances, and the like) are subject to a one-time licensing fee of \$25.00.

Is insurance required?

Insurance may be required if the event includes the erection of staging, use of propane for cooking, use of motor vehicles on city owned property, and the like. Insurance is not required for parades and stationary rallies that do not involve the use of any other equipment.

What city property will be subject to permitting?

The City routinely issues permits for use of City property, such as the Boston Common, Copley Plaza, Samuel Adams Park at Faneuil Hall, and Government Center.

What types of activities need permits?

Use of electric generators, staging, food vendors, propane tanks, and entertainment are some of the activities that must be permitted in order to take place on City property.

Do I need a permit for a sound system?

If an electric generator is needed to run the system, a permit is required. All sound is subject to the City of Boston Ordinance regulating Unreasonable Noise (City of Boston Code, 16-26, defined as in excess of 50 decibels from 11:00 p.m. – 7:00 a.m., and 70 decibels at all other hours).

Can I obtain a parade permit during rush hour?

The City is offering a designated parade route (running from City Hall Plaza to the demonstration zone off Canal Street) that may be used during the rush hour period (3:30 p.m. – 6:00 p.m. in Zone A, as defined in the Boston Transportation Department's regulations, generally that portion of the City east of Massachusetts Avenue and including the Back Bay, Beacon Hill, Financial District). Only the designated parade route can be used for marching during this time period.

What space limitations will be imposed near the FleetCenter?

Causeway Street will be closed to parades and marches, although the sidewalks on the [west] side of the street will be open to all pedestrian traffic. The immediate surroundings of the FleetCenter will be closed to all except those specifically credentialed to enter. The City is creating a "soft zone" in the area around the FleetCenter (the "Bulfinch Triangle") which will be closed to vehicle access (except for previously scheduled deliveries). This area (boundaries.....) will be open to all pedestrian access.

Is the City providing a demonstration zone, and what is the process for obtaining access to it?

The City is providing a demonstration zone on a parcel of land

adjacent to Canal Street, near the bus depot where delegates will be arriving for the Convention. No permit is necessary to enter the demonstration zone. No weapons (guns, knives, wrist-rockets, sling shots, etc.) or facsimile weapons (i.e., replica or toy guns, including super soakers), will be allowed in the demonstration zone. No poles or sticks will be allowed inside the demonstration zone. Any signs must be hand-held.

There will be a stage and sound system provided by the City inside the demonstration zone. That stage is available upon application at the Mayor's Office of Consumer Affairs and Licensing. Applicants will be allotted fifty minute slots of time, and up to three consecutive fifty minute slots per day, per applicant. The stage can accommodate up to fifteen people, and in order to assure that all applicants have access to the stage, all applicants must have the City issued permit on their person in order to gain access to the stage.

Is the City planning to search individuals seeking to enter the demonstration zone?

No, but all persons will be subject to search if there is reasonable suspicion to believe that they are carrying weapons or other contraband.

Steps to Follow

Please Note: The process will vary somewhat depending upon the type of event described in the application (i.e., an event requesting permission to run electricity, erect temporary shelters or tents, use propane for cooking, or sell alcohol will necessitate review and permission from a number of City agencies, including Health, Fire, and the like). Parades or demonstrations may not require multiple approvals.

Step 1

Submit a completed *Event Application for the Week of July 24 - August 1, 2004* to the office of Consumer Affairs and Licensing, Rm. 817, Boston City Hall, Boston MA.

The Office of Consumer Affairs will review the application and, unless there are specific reasons for denying the application, direct the applicant in writing to the appropriate agencies and departments for additional permits. If no permit is required for the described activity, the applicant will be so informed. The applicant will be mailed a written response to their application within 7 days of receipt of a completed application.

Step 2

The Office of Consumer Affairs and Licensing will direct the applicant to the appropriate agencies to obtain the required permits. The applicant will be responsible for supplying any necessary information in order to obtain the appropriate permits from those agencies. The agencies and/or departments that the applicants may be referred to shall review the applicants' application and issue its decision within five (5) business days. If an applicant has been referred to multiple agencies/departments, the applicant may pursue their application with those agencies/departments simultaneously.

Step 3

After all necessary permits have been obtained by the applicant, the Office of Consumer Affairs and Licensing shall issue the final approval or denial of the permit within three (3) business days. The entire permitting process, from commencement to conclusion, shall not exceed fifteen (15) business days.

There are Limited Exceptions to the Permitting Requirements Described Above:

(1). Small Stationary Demonstrations:

Individuals and groups not exceeding twenty (20) people shall not be required to obtain any permits to exercise free speech and/or conduct lawful First Amendment activity. Said demonstrations shall be stationary in nature and shall not include the need for amplification, structures, and/or other equipment. Any individual or group acting under this provision shall abide by all regulations, ordinances, statutes and any and all other laws, including lawful orders of law enforcement officials. Any individual and/or groups in this category shall ensure safe passage (ingress-egress) for all pedestrian traffic on any and all sidewalks and other areas that they may be utilizing. Furthermore, any individual or group of twenty or fewer people without a permit under this provision shall remain clear of and off all roadways, streets, avenues and any and all other arterials utilized by vehicular traffic. If an individual or group wishes to use any roadway, street, avenue or any and all other arterials utilized by vehicular traffic that individual and/or group shall comply with steps one through three noted herein.

(2). Spontaneous Demonstrations:

In order to address the need for spontaneous demonstrations, from July 10, 2004 through August 1, 2004 the permitting scheme shall be modified as follows:

- (a) Groups that exceed twenty (20) people but consist of fewer than fifty-one (51) people (fifty or fewer) shall be required to obtain a permit. The applicant shall submit a completed permit application to the Office of Consumer Affairs and Licensing. In the event that only one (1) permit is required, the Office of Consumer Affairs and Licensing shall issue its final approval or denial of the permit application within two (2) business days. Groups exceeding fifty (50) people (fifty-one people or more) shall submit a completed permit application to the Office of Consumer Affairs and Licensing. In the event that only one (1) permit is required, the City of Boston agrees to exercise their best effort in issuing its final approval or denial of the permit application within two (2) business days.
- (b) In keeping with this spontaneous demonstration policy, any permit applications filed between the dates of July 10, 2004 and August 1, 2004 shall be subject to competing permits and previously allocated sites.
- (c) Additionally, any application for a permit that requires other permitting (i.e., requests for food vendors, health and sanitation requirements, electrical) the City of Boston shall require compliance with steps one through three above. It is

therefore recommended that applications that require additional permits (as noted herein) be submitted at least fifteen (15) days in advance of the requested date for the permit.

What are the Reasons an Application for a Permit Could be Denied?

The City of Boston seeks to accommodate all applicants seeking to take advantage of the City of Boston's public forums. To maximize the efficient use of these forums and ensure the safety and convenience of the applicants and general public, access to these forums must be regulated. To this end, the City of Boston may deny an application for a permit for the following reasons:

- The use or activity intended by the applicant is prohibited by law, ordinance, or by regulation.
- A fully executed prior application for a permit for the same time and place has been received and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area
- The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place
- The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant or other users of area or of City employees or of the public
- The applicant has not complied with or cannot comply with applicable licensure requirements, ordinances or regulations of the city concerning the sale or offering of any goods or services
- The applicant has made on prior occasions material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of any applicant
- The application is not fully completed and executed
- The applicant has not tendered the required insurance certificate
- The application contains a material falsehood or misrepresentation
- The applicant is legally incompetent to contract or to sue and be sued
- The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage or has

other outstanding and unpaid debts to the City

Where an application for permit has been denied because a fully executed prior application for the same time and place has been received and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the City will propose an alternative place, if available, for the same time, or an alternative time if available for the same place.

Any requirements for a certificate of insurance shall be waived by the City if the activity is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from using the proposed area for the proposed activity. Fees for equipment and services shall not be waived. Application for a waiver must be in writing and shall include an affidavit by the applicant and sufficient financial information about the applicant to enable the City to determine whether the requirement would be so financially burdensome that it would preclude the applicant from using the property for the proposed activity.

Appeal Process

Any applicant aggrieved by the final decision of the City may seek judicial review in state court by common-law certiorari.



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Events to be Held on Sunday, July 25, 2004

Event Name	Location / (# Attendees)	Contact
7:00:00 AM - 11:00:00 PM		
1 NBC Today Show	Faneuil Hall Market Place- Private Property	Vikki Stonestreet (617) 523-1300
2:00:00 PM - 8:00:00 PM		
2 WCVB TV-	Corner of Friend St -Pagano Mobile Station- Transmission Truck	Rosemary Lappen (781) 433-4248
3 WCVB- TV	Faneuil Hall- Sam Adams Park	Rosemarie Lappen (781) 433-4248
4 Suffolk University- This is not an event	Suffolk University/148 Cambridge Street	Joe Kennedy
5 Fox 25- Satellite Truck	Faneuil Hall- Adams Street Park	(617) 635-9461
7:00:00 AM - 11:00:00 PM		
6 ABC News	Long Wharf- / Good Morning America	Gitka Ahuja (617) 620-0435
8:00:00 AM - 12:00:00 AM		
7 Media -WBZ	88 N. Washington Street-	
5:00:00 PM - 11:00:00 PM		
8 St. Joseph Festival	Hanover ST.- Commercial To Charter	Sonny Porrevicho (781) 391-7888
6:00:00 PM - 11:00:00 PM		
9 Much To Do about Nothing	Boston Common- Parkman Bandstand	Michael Szizspaunski (617) 532-1102
8:00:00 PM - 2:00:00 AM		
10 Students for Democratic Choice	Licensed Venue- Chaps/Nicks 100 Warrenton Street	Shahrokh Reza

Events to be Held on Sunday, July 25, 2004 -- Cont'd

Event Name	Location / (# Attendees)	Contact
11 C.O.B. Workers w/o Contracts	Sidewalks outside Millenium Park	James Barry (617) 989-2772
12 C.O.B. Workers w/o Contracts	Sidewalks outside Boston Public Library	James Barry (617) 989-2772
13 C.O.B. Workers w/o Contracts	Sidewalks outside Jorge Hernandez center	James Barry (617) 989-2772
14 C.O.B. Workers w/o Contracts	Sidewalks outside Museum of Fine Arts	James Barry (617) 989-2772
7:30:00 AM - 10:00:00 PM		
15 Abortion, Un-American, Unchristian	5 Park Street -Paulist Center Sidewalk	Rev Patrick Mahony (781) 849-6026
8:00:00 AM - 6:00:00 PM		
16 Family Cookout	Shattuck Family Cook out Area	(617) 825-3604
9:30:00 AM - 3:30:00 PM		
17 Falun Dafa Meditation and Practice	Copley Park	Michael Tsang (617) 686-9808
10:30:00 AM - 12:30:00 PM		
18 Abortion, Un-American, Unchristian	Louisburg Sq.and Pickney St	Rev Patrick Mahony (781) 849-6026
11:00:00 AM - 12:00:00 PM		
19 A.N.S.W.E.R Rally	Faneuil Hall (Court Yard bordering Congress St)	Steven Kirschbaum (617) 524-1535
12:00:00 PM - 5:00:00 PM		
20 Common Cause/ Rally for Democracy A Progressive Alliance	Boston Common	Bruce Taub (617) 542-4919
21 Tisha B'Av Memorial for Victims of Terror	Christopher Columbus Park	Sarah Blumenthal (617) 457-8670
1:00:00 PM - 6:00:00 PM		

Events to be Held on Sunday, July 25, 2004 -- Cont'd

Event Name	Location / (# Attendees)	Contact
22 DNC Medical Legislative Party	The Clubs at Charles River Park- 10 Whittier Palce	(617) 726-2900
23 A.N.S.W.E.R.Coalitions- Parades	Parade	Steven Kirschbaum (617) 524-1535
1:30:00 PM - 4:30:00 PM		
24 Abortion, Un-American, Unchristian	Sidewalks, Congress Street-	Rev Patrick Mahony (781) 849-6026
25 Stonewalk	Parade- UMASS Boston- to Trinity Church	David Patorti American Friends Association (617) 661-6130
3:00:00 PM - 5:30:00 PM		
26 Falun Dafa- Help end the Prosecution of Falun Gong Parade	See Below - Parade Rte.	Micahel Tsang (617) 686-9808
4:00:00 PM - 9:00:00 PM		
27 C.O.B. Workers w/o Contracts	Sidewalk Outside State Street Financial Center	James Barry (617) 989-2772
28 C.O.B. Workers w/o Contracts	Sidewalk outside Boston Public Library	James Barry (617) 789-2772
29 C.O.B. Workers w/o Contracts	Sidewalk outside the Science Museum	James Barry (677) 789-2772
30 C.O.B. Workers w/o Contracts	Sidewalks around the L Street Bath House	James Barry (627) 989-2772
31 C.O.B. Workers w/o Contracts	Sidewalks outside Wang Center	James Barry (617) 989-2772
32 C.O.B. Workers w/o Contracts	Sidewalks outside Children's Museum	James Barry (617) 989-2772
33 C.O.B. Workers w/o Contracts	Sidewalks outside Boston Nature Center- Mattapan	James Barry (617) 989-2772

Events to be Held on Sunday, July 25, 2004 -- Cont'd

	Event Name	Location / (# Attendees)	Contact
34	C.O.B. Workers w/o Contracts	Sidewalks outside the Spangler Center-Harvard University	James Barry (617) 989-2772
35	C.O.B. Workers w/o Contracts	Sidewalk outside State House	James Barry (617) 989-2772
36	C.O.B. Workers w/o Contracts	Sidewalks outside Adams Park-Roslindale	James Barry (617) 989-2772
37	C.O.B. Workers w/o Contracts	UMass Boston Campus	James Barry (617) 989-2772
38	DNC Delegation Rally- Workers w/o Contracts	Charlestown Navy Yard	James Barry (617) 989-2772
39	C.O.B. Workers w/o Contracts	Sidewalks outside New England Aquarium	James Barry (617) 989-2772
40	C.O.B. Workers w/o Contracts	Sidewalk outside Hyatt Harbor side- East Boston	James Barry (617) 989-2772
41	C.O.B. Workers w/o Contracts	Sidewalks outside Institute of Contemporary Art	James Barry (617) 989-2772
42	C.O.B. Workers w/o Contracts	Sidewalks outside Parkman House	James Barry (617) 989-2772
43	C.O.B. Workers w/o Contracts	Sidewalks outside Franklin Park Zoo	James Barry (617) 989-2772
44	C.O.B. Workers w/o Contracts	Sidewalks outside Shirley-Eustis House- Roxbury	James Barry (617) 989-2772
45	C.O.B. Workers w/o Contracts	Sidewalk outside Northeastern University- in front of DNC delegation party	James Barry (617) 989-2772
46	C.O.B. Workers w/o Contracts	Sidewalk outside Dancing Beer Bakery- Roxbury	James Barry (617) 989-2772
47	C.O.B. Workers w/o Contracts	Sidewalk outside Strand Theatre	James Barry (617) 989-2772

Events to be Held on Sunday, July 25, 2004 -- Cont'd

Event Name	Location / (# Attendees)	Contact
48 C.O.B. Workers w/o Contracts	Sidewalks outside Sam Adams Brewery	James Barry (617) 989-2772
49 C.O.B Workers w/o Contracts	Sidewalk outside James Michael Curley House	James Barry (617) 989-2772
5:00:00 PM - 7:00:00 PM		
50 Delegation Welcoming	The Wang Center, 270 Tremont Street, Boston	Julie Burns (617) 247-2004
51 Delegation Welcoming	State Street Financial Center, One Lincoln Street, Boston	Julie Burns (617) 247-2004
52 Delegation Welcoming	Franklin Park Zoo, One Franklin Park Rd. Boston	Julie Burns (617) 247-2004
53 Delegation Welcoming	Boston Latin School, 78 Avenue Louis Pasteur Boston	Julie Burns (617) 247-2004
54 Delegation Welcoming	Museum of National Afro-American Artists, 200 Walnut Street, Boston	Julie Burns (617) 247-2004
55 Delegation Welcoming	Boston Nature Center	Julie Burns (617) 247-2004
56 Delegation Welcoming	Adams Park, Washington and South Street, Roslindale	Julie Burns (617) 247-2004
57 Delegation Welcoming	Parkman House	Julie Burns (617) 247-2004
58 Delegation Welcoming	Hyatt Harborside Hotel, 101 Harborside Drive, East Boston	Julie Burns (617) 247-2004
59 The Strand Theatre	The Strand Theatre, 543 Columbia Road Boston MA	Julie Burns (617) 247-2004
60 Delegation Welcoming	Institute of Contemporary Art, 955 Boylston Street	Julie Burns (617) 247-2004

Events to be Held on Sunday, July 25, 2004 -- Cont'd

Event Name	Location / (# Attendees)	Contact
61 Delegation Welcoming	Northeastern University, Curry Center, 346 Huntington Ave	Julie Burns (617) 247-2004
62 Delegation Welcoming	Curley Recreation Center, 1663 Columbia Rd, South Boston	Julie Burns (617) 247-2004
63 Delegation Welcoming	Millennium Park, west Roxbury	Julie Burns (617) 247-2004
64 Delegation Welcoming	Children's Museum, 300 Congress Street	Julie Burns (617) 247-2004
65 Delegation Welcoming	Museum of Fine Arts, 465 Huntington Ave, Boston	Julie Burns (617) 247-2004
66 Delegation Welcoming	Constitution Museum, Charlestown Navy Yard- Federal Property	Julie Burns (617) 247-2004
67 Delegation Welcoming	Jorge Hernandez Cultural Center, 405 Shawmut Ave, Boston	Julie Burns (617) 247-2004
68 Delegation Welcoming Reception	Museum of Science	Julie Burns (617) 247-2004
69 Delegation Welcoming	Pier 1 Charlestown Navy Yard	Julie Burns (617) 247-2004
70 Delegation Welcoming	Commandants' House, Charlestown Navy Yard	Julie Burns (617) 247-2004
71 People's Party	Franklin Park- Stony Brook T Stop	Francesca Fordiani (617) 524-5922
72 Delegation Welcoming	Spangler Center@ Harvard Business Center, 117 Western Ave Brighton MA	Julie Burns (617) 247-2004
73 Delegation Welcoming	Mass. State House, Beacon Street	Julie Burns (617) 247-2004

Events to be Held on Sunday, July 25, 2004 -- Cont'd

Event Name	Location / (# Attendees)	Contact
74 Delegation Welcoming	UMASS Boston Campus, 100 Morrissey Blvd	Julie Burns (617) 247-2004
75 Delegation Welcoming	Sam Adams Brewery, 30 Germania St, Jamaica Plain	Julie Burns (617) 247-2004
76 Delegation Welcoming	Hyde Park Library, 33 Harvard St. Hyde Park MA	Julie Burns (617) 247-2004
77 Delegation Welcoming	Shirley- Eustis House, 33 Shirley Street, Roxbury	Julie Burns (617) 247-2004
78 Delegation Welcoming	Boston Public Library, 700 Boylston Street Boston	Julie Burns (617) 247-2004
8:00:00 PM - 11:00:00 PM		
79 Celebrate Boston 2004- Boston Pops	City Hall Plaza	Joe Ganley (617) 247-2004
8:30:00 PM - 10:30:00 PM		
80 Abortion, Un-American, Unchristian	Louisburg Sq & Pickney Street	Rev Patrick Mahony (781) 849-6026
11:00:00 PM - 4:00:00 PM		
81 ANSWER Coalition	Boston Common- Parade Ground	Peter Cooke/ Steve Kirschbaum (617) 522-6626